

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL ACTION NO.
) 3:05cr207-MHT
JEAN PIERRE ARRUE)

ORDER

This cause is before the court on the motion to continue filed by defendant Jean Pierre Arrue on April 6, 2006. The criminal case is currently set for trial during the term beginning on April 24, 2006. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h)(8).

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part as follows:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

Id. § 3161(c)(1). However, the Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." Id. § 3161(h)(8)(A).

This court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Arrue in a speedy trial. In support of the motion to continue, Arrue has represented that proffers will be scheduled for him and for his co-defendants in the near future, and counsel for all defendants and the government will not have time to coordinate necessary proceedings prior to notifying the court of any intent to change plea. Coordination has been hampered by the fact that all defendants live out of state. The government

does not oppose a continuance, and Arrue has filed a waiver of his Speedy Trial Act rights. Accordingly, it is ORDERED that defendant Jean Pierre Arrue's motion to continue (Doc. No. 76) is granted, and that his trial is continued to the criminal term of court beginning on August 7, 2006, at 10:00 a.m.

DONE, this the 18th day of April, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE